

TOWN OF LAMOINE

Minutes of Planning Board Hearing

March 27, 2014

Lamoine Consolidated School

Planning Board Members

Present: Holt, Gallagher, Donaldson

Code Enforcement Officer

Present: M. Jordan

Members of the Public: approximately 47 Lamoine citizens

S. Salsbury

Members of the Press: J. Weaver, Ellsworth American

Chair Holt called the hearing to order at 6:35 p.m.

Holt described the purpose of the public hearings regarding two matters:

1. Amendments to the Building and Land Use Ordinance Part I. Section 4. H., lines 16 and 27 proposed by citizen petition to prohibit “Mineral Exploration” within the Residential Zone (RZ) and the Rural and Agricultural Zone (RAZ) and to prohibit “Sand/Gravel Pits, Etc.” with the Rural and Agricultural Zone (RAZ).

2. Amendments to the Building and Land Use Ordinance proposed by the Board of Selectmen and developed by the Planning Board to accommodate the March 2013 Town referendum to disregard the enforcement of the Maine Uniform Building and Energy Code (MUBEC);

[Copies of the proposed amendments are on file in the Town Hall.]

Holt further explained the procedures by which the hearing would be conducted.

The following citizens presented testimony regarding amendments to BLUO Part 1. Section 4. H., lines 17 and 27:

David Sanderson, speaking for the petitioners, stated four benefits of the proposed amendment. (See attached testimony.)

Carol Korty, also speaking for the petitioners, presented economic and taxation information and maps indicating current pit locations, future limitations on pits if the ordinance is amended, and the relationship of current/future gravel extraction operations to the aquifer. Both Sanderson and Korty emphasized that the amendments do not “prohibit gravel pits” in Lamoine, they restrict their growth in the RZ and RAZ. (See attached handout and attached Korty testimony.)

Catherine de Tuede, speaking in favor of the amendment, reported that other towns, including Bar Harbor, have in recent years restricted and/or prohibited gravel pits

and that courts have recently found in favor of land owners who have claimed that “industrial uses” devalue residential property values. (See attached testimony.)

Robin Emery, supporting the amendment, spoke about the negative effects of gravel operations on the safety of roads, the quality of life at properties adjoining roads and streets that gravel trucks frequent, and problems of “noise, dust, and pollution”.

Diane Sanderson stated, as did several others, that her support for the amendment “isn’t about” Lamoine gravel operators but about “finding some boundaries to limit what people who don’t live here are doing to our town.” (See attached testimony.)

Walter Grenier, supporting the amendment, stated that his primary concern was “the devaluation of our home” resulting from the reputation of widespread gravel operations that Lamoine has developed. He cited a real estate agent’s comparison of a property similar to his own located in Blue Hill.

Paul Denoncourt asked two questions: 1. What is the definition of “mineral exploration”? and 2. Can existing pits that are grandfathered be expanded without limit? Donaldson read the BLUO definition of “mineral exploration” to the audience. Holt explained that grandfathered pits could expand but only within the footprint of the Site Plan Review permit issued prior to March 13, 2013.

Nancy Pochan, also in favor of the amendment, noted that mining companies have the interest and the technology to mine “the secondary soils” in much of the Rural and Agricultural Zone despite the fact that prime sand and gravel may not be found there.

Charles (Linwood) Brann supported the amendment, stating the negative impacts from the noise of gravel operations, the hazards of trucks on the road, and the impacts on the environment. “It’s a shame,” he concluded, “that greed has to raise its ugly head by people who don’t live here and have no ties here. This needs to be stopped.”

There being no further comments or questions regarding the first proposed amendment, Holt opened the floor to comments and questions regarding the second proposed amendment (MUBEC).

Stu Marckoon provided an introductory overview of the reasons behind the amendment, summarizing by stating that the Town’s referendum vote meant that “the Town will not inspect construction for compliance with MUBEC”. The amendments to the BLUO include: a. removal of local building standards; b. assignment of responsibility for conforming to MUBEC to the land owner and builder; c. removal of the title “building inspector” and several other terminology changes. (See copy of BLUO with proposed changes.)

No questions were raised nor comments made.

Chair Holt adjourned the public hearing at 7:38 p.m.

Respectfully Submitted,

Gordon Donaldson, Secretary

Copies of submissions on file in Town Hall:

“Why Vote FOR the Referendum Question” (handed out at the hearing)
Written testimony from David Sanderson, Carol Korty, Catherine de Tuede, and
Diane Sanderson